

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

PETER LINDNER,

Plaintiff,

-against-

NEWELL, et al.,

Defendant.

Case No. 11 Civ. 8365 (LAP)

NOTICE OF MOTION

PLEASE TAKE NOTICE that, upon International Business Machines Corporation's ("IBM") Memorandum of Law in Support of Its Motion to Quash Peter Lindner's non-party Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action and to Impose Sanctions, and the Declaration of Peter T. Barbur, dated December 27, 2011, and the exhibits submitted therewith, non-party IBM will move the Court on December 27, 2011, at the United States District Courthouse, 500 Pearl Street, New York, New York, before the Honorable Loretta A. Preska, for an order pursuant to Federal Rules of Civil Procedure 26 and 45 quashing Lindner's non-party subpoena, imposing sanctions, including reasonable attorneys' fees, and granting such other and further relief as the Court deems just and proper.

December 27, 2011

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by /s/ Peter T. Barbur
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